



Federal Communications Commission
Washington, D.C. 20554

September 21, 2007

DA 07-3954

Released: September 21, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Hearst-Argyle Stations, Inc.
KMAU(TV)
c/o Brooks, Pierce, et al.
P.O. Box 1800
Raleigh, NC 27602

Re: Hearst-Argyle Stations, Inc.
KMAU(TV), Wailuku, HI
Facility ID No. 64551
File No. BRCT-20060928ALK

Dear Licensee:

This refers to your license renewal application for station KMAU(TV), Wailuku, HI.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of its Rules (the "Rules"), 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limitations became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On September 28, 2006, you filed the above-referenced license renewal application for station KMAU(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station KMAU(TV) failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19, you state that station KMAU(TV) exceeded the children's television commercial limits by 15 seconds on April 3, 2005, and April 10, 2005. You attribute the overages to human error and/or inadvertence and maintain that station KMAU(TV) took corrective measures to prevent further overages.

It appears from the information before us that the overages in question were isolated violations of the children's television commercial limits. Such *de minimis* violations of Section 73.670 of

the Commission's Rules do not warrant further consideration in connection with KMAU(TV)'s renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Hearst-Argyle Stations, Inc. at the address listed above, and to its counsel, Mark J. Prak, Esquire, Brooks, Pierce, McLendon, Humphrey & Leonard LLP, P.O. Box 1800, Raleigh, North Carolina 27602.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau